

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

JAMES DUNCAN,)	
)	
Petitioner,)	
)	
v.)	No.: 3:22-CV-94-TAV-JEM
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM OPINION

In this action, Petitioner, a prisoner proceeding pro se, seeks a writ of habeas corpus from the Court's dismissal of a § 1983 complaint he filed [Doc. 2]. On March 16, 2022, the Court entered an order notifying Petitioner that he had thirty days to pay the full filing fee or submit the necessary documents to proceed *in forma pauperis* and denying his motion to appoint counsel [Doc. 5]. Petitioner has now filed a motion to withdraw his petition [Doc. 6] in which he states that he is awaiting a ruling from the United States Court of Appeals for the Sixth Circuit in his underlying case and will proceed with a post-conviction petition in the future if the Sixth Circuit does not grant him relief [*Id.* 1–2].

Due to Petitioner alerting the Court that he no longer seeks to pursue this action at this time, his motion to withdraw his petition [*Id.*] will be **GRANTED** and this action will be **DISMISSED without prejudice**.

AN APPROPRIATE JUDGMENT ORDER WILL ENTER.

ENTER

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE